

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

JAMES ANDREW LOHNES,

Plaintiff,

v.

CAUSE NO.: 2:18-CV-445-JTM-JEM

MRS. JOHNSON,

Defendant.

OPINION AND ORDER

James Andrew Lohnes, an unrepresented pretrial detainee in the Lake County Jail, filed a motion asking the court to find Mrs. Johnson in default because she has not responded to the complaint as ordered. (DE # 42.) On December 4, 2019, Mrs. Johnson was ordered to respond “as provided for in the Federal Rules of Civil Procedure.” (DE # 31 at 5.) She was sent a notice of the lawsuit. (DE # 32.) She waived service and thereby had until February 7, 2020, to respond to the complaint. (DE # 35.) Well before that deadline, on January 16, 2020, she filed a motion to dismiss. (DE # 38.) Pursuant to Federal Rule of Civil Procedure 12(a)(4), that motion extended the time to otherwise plead. Therefore, Mrs. Johnson is not in default.

For these reasons, the motion (DE # 42) is **DENIED**.

SO ORDERED.

Date: February 7, 2020

s/James T. Moody

JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT